

**REMARKS**

The Official Action of June 22, 2004, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 1-3, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 1-3 remain in the application for consideration.

In response to the Examiner's objection to the specification, Applicant has amended the specification so as to include paragraph headings similar to those suggested by the Examiner. Applicant respectfully submits that this objection has now been overcome.

The Examiner has further rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by Grieshaber '820 and claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Grieshaber. Applicant respectfully traverses both of these rejections especially as applied to claim 1 as amended.

Grieshaber discloses a piezoelectric transducer (16) that responds to the manual operation of a release mechanism for providing an electrical pulse feed to the

acupuncture point. The first transducer electrode is electrically coupled to a cylindrical housing (1), the second transducer electrode is electrically coupled to an axial contact pin (20) which is insulated from the housing (1) and which projects through a treatment head (26) screwed to the housing (1) (see the abstract).

In comparison, as described in the present specification, there are a number of drawbacks with the piezoelectric device described by Grieshaber (see page 1, line 32 to page 2, line 3). The drawbacks of the device disclosed in Grieshaber are addressed by the acupuncture stimulator of the present invention (see page 2, lines 4 to 23 in the specification). As we point out below, there are a number of features specified in present Claim 1 that are not disclosed in Grieshaber.

In particular, the electrically conducting exterior casing and treatment head in Grieshaber provides unsatisfactory insulation of the high voltage electrode of the piezoelectric stimulator that may impair the efficiency of the stimulator. There is no mention of this problem in Grieshaber or of any way of solving it. Grieshaber teaches that only an electrically conducting metallic exterior casing should be used.

In Grieshaber, the housing (1) and treatment head (26) are metallic (see column 2, line 8 and lines 54 to 56). Since the housing and the treatment head are metallic, the exterior casing described in Grieshaber is wholly conducting and not substantially electrically insulating as specified in Claim 1 as amended. Hence, for at least this reason, Grieshaber does not disclose a piezoelectric stimulator that falls within the scope of Claim 1.

The claimed invention relates, at least in part, to reducing the conducting contact surface between the user and the acupuncture device by including a contact ring and a leaf spring contact arrangement as specified in Claim 1 as amended. However, the person skilled in the art would only have considered increasing the conducting surface of the device disclosed in Grieshaber in order to provide better conductivity and handling of the device.

Grieshaber itself is only concerned with the positioning of the contact pin so that it can slide axially relative to the housing. According to Grieshaber, this ensures the accurate application of acupuncture pulses. There is nothing in Grieshaber that would have led a person skilled in the art to modify the acupuncture device disclosed in Grieshaber in order to arrive at an acupuncture stimulator

within the scope of the claimed invention. Thus, Grieshaber does not recognize the problem associated with an electrically conducting casing and treatment head. There is certainly nothing in Grieshaber to suggest the use of a ring contact in combination with a leaf spring contact in order to improve the efficiency of the stimulator. Furthermore, there is no suggestion in Grieshaber to use a common insulating interior casing for the piezoelectric converter and the impact hammer with the associated spring system specified in Claim 1 as amended.

In addition, Grieshaber does not disclose a piezoelectric stimulator that comprises a leaf spring contact. There is no mention in Grieshaber of a "Blattfederkontakt" (the German translation of "leaf spring contact") or a hand contact designed as a contact ring. Furthermore, there is no disclosure in Grieshaber of a common insulating interior casing for the piezoelectric converter and the impact hammer with the associated spring system specified in Claim 1.

Accordingly, Applicant respectfully submits that claim 1 as amended is novel over the disclosure in Grieshaber, as Grieshaber fails to teach the above-identified features.

Appln. No. 10/019,722  
Amdt. dated September 22, 2004  
Reply to Office Action of June 22, 2004

Acknowledgement by the PTO of the receipt of applicants' papers filed under Section 119 is noted.

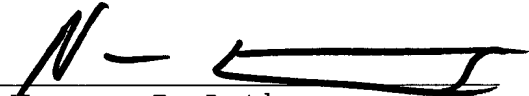
The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

  
Norman J. Latker

Registration No. 19,963

NJL:ma:lms  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\E\eric\NODSKOV1\PTO\Amendment-A.doc